

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
NORTHERN DIVISION

CELIA BURNETT,

Plaintiff,

vs.

JO ANNE BARNHART, Commissioner of
Social Security,

Defendants.

MEMORANDUM DECISION AND
ORDER GRANTING DEFENDANT'S
MOTION TO DISMISS

Case No. 1:04-CV-161 TS

Plaintiff filed her Complaint on November 18, 2004, and Defendant filed her Answer and the administrative record on February 14, 2005. After Plaintiff's initial motion for a scheduling order,¹ she filed an additional seven Motions for Extension of Time² over a five-month period. Still, to this date, Plaintiff has failed to file a substantive motion or memorandum on the merits of this case.

¹ Docket No. 6.

² Plaintiff's Motions for Extension of time were filed on May 6, 2005, Docket No. 8; June 15, 2005, Docket No. 10; July 1, 2005, Docket No. 12; July 14, 2005, Docket No. 13; August 11, 2005, Docket No. 15; September 15, 2005, Docket No. 17; and October 13, 2005, Docket No. 19.

On December 5, 2005, Defendant filed a Motion to Dismiss,³ citing the procedural history as justification to dismiss this case for Plaintiff's failure to comply with Court Orders. No response has been received to that Motion. Pursuant to DUCivR 7-1(d) and Fed.Civ.P. 41(b), the Court will grant Defendant's Motion, since Plaintiff has failed to respond and has further otherwise failed to prosecute this case, despite numerous extensions.

It is therefore

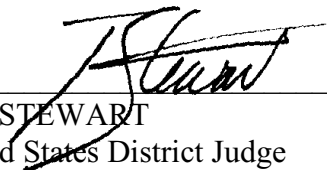
ORDERED that Defendant's Motion to Dismiss (Docket No. 21) is GRANTED. It is further

ORDERED that the hearing scheduled for April 18, 2006, is VACATED.

The Clerk of Court is directed to close this case forthwith.

DATED April 11, 2006.

BY THE COURT:



TED STEWART
United States District Judge

³ Docket No. 21.